

## **REMARKS**

Applicants have received the final Office action dated October 20, 2006, in which the Examiner rejected claims 3-4, 8-9, 13, 15-17 and 20 as allegedly anticipated by Hammond (U.S. Pub. No. 2002/0082977, hereinafter "Hammond").

With this Response, Applicants amend claims 3, 8 13, and 20, and add new claim 21. Reconsideration is respectfully requested.

### **I. ART-BASED REJECTIONS**

#### **A. Claim 3**

Claim 3 stands rejected as allegedly anticipated by Hammond. Applicants amend claim 3 to more clearly define over Hammond's system where a plurality of auctions are implemented. Moreover, Applicants amend claim 3 to remove limitations not needed to define over the cited art.

Hammond is directed to aggregation of on-line auction listing and market data for use to increase likely revenues from auction listings. (Hammond Title). The item to be auctioned is listed on multiple auction services, and the various auctions are monitored. (Hammond Paragraph [0124]).

As the auctions progress, the item is delisted (the auction listing for the item is cancelled) from auctions with inferior performance before the auction closes.

(*Id.*). When determining which auction to delist, each auction is ranked or scored based on factors such as bid price, number of bids, frequency of bidding, and the like. (Hammond Paragraphs [0128]-[0135]).

Claim 3, by contrast, specifically recites, "predicting, by a software program executing on the computer system, an auction outcome for each of a plurality of potential feedback rules; allowing an auction end-user to select a feedback rule to implement from the plurality of potential feedback rules based on the predicted auction outcomes; and implementing a single auction using the feedback rule selected by the end-user." Applicants respectfully submit that Hammond fails to expressly or inherently teach "predicting ... an auction outcome ... ; allowing an auction end-user to select a feedback rule to implement ... ;

and implementing a single auction using the feedback rule selected by the end-user.”

Based on the foregoing, Applicants respectfully submit that claim 3, and all claims which depend from claim 3 (claims 4 and 5), should be allowed.

**B. Claim 8**

Claim 8 stands rejected as allegedly anticipated by Hammond. Applicants amend claim 8 to more clearly define over Hammond’s system where a plurality of auctions are implemented.

Claim 8 specifically recites, “wherein the processor executes the auction program stored on the non-volatile memory and wherein the auction program, prior to implementing an auction, predicts an auction outcome for each of a plurality of feedback rules; and wherein the processor, executing the auction program, selects one of the plurality of feedback rules to implement based on the predicted auction outcomes.” Applicants respectfully submit that Hammond fails to expressly or inherently teach “wherein the auction program, prior to implementing an auction, predicts an auction outcome for each of a plurality of feedback rules.”

Based on the foregoing, Applicants respectfully submit that claim 8, and all claims which depend from claim 8 (claims 9-11), should be allowed.

**C. Claim 13**

Claim 13 stands rejected as allegedly anticipated by Hammond. Applicants amend claim 13 to more clearly define over Hammond’s system where a plurality of auctions are implemented.

Claim 13 specifically recites, “modeling, for each of a plurality of feedback rules, an auction outcome using, at least in part, the parameters supplied by the auction end-user; and then holding an online auction based on the parameters of the online auction and using one of the plurality of feedback rules selected based on the modeling and selected by the instructions executed by the computer program based on the modeling.” Applicants respectfully submit that Hammond fails to expressly or inherently teach “modeling ... an auction outcome ... ; and then holding an online auction based... .”

Based on the foregoing, Applicants respectfully submit that claim 13, and all claims which depend from claim 13 (claims 15-17), should be allowed.

**D. Claim 20**

Claim 20 stands rejected as allegedly anticipated by Hammond. Applicants amend claim 20 to more clearly define over Hammond's system where a plurality of auctions are implemented.

Claim 20, by contrast, specifically recites, "wherein prior to holding an online auction the means for reading and executing programs executes the auction program stored on the means for storing, predicts an auction outcome for each of a plurality of potential feedback rules, and selects one of the plurality of feedback rules to implement based on the predicted auction outcomes." Applicants respectfully submit that Hammond fails to expressly or inherently teach "prior to holding an online auction the means for reading and executing programs executes the auction program stored on the means for storing, predicts an auction outcome for each of a plurality of potential feedback rules, and selects one of the plurality of feedback rules to implement based on the predicted auction outcomes."

Based on the foregoing, Applicants respectfully submit that claim 20 should be allowed.

**II. NEW CLAIM**

With this Preliminary Amendment, Applicants present new claim 21. Applicants respectfully submit that new claim 21 is not taught or rendered obvious by the cited art.

**III. STATEMENT OF SUBSTANCE OF INTERVIEW**

The Applicants, by and through the undersigned counsel, held an Applicant initiated Examiner interview on December 28, 2006. In that interview, claims 3 was specifically discussed. Hammond was specifically discussed. No agreements were reached.

**IV. CONCLUSION**

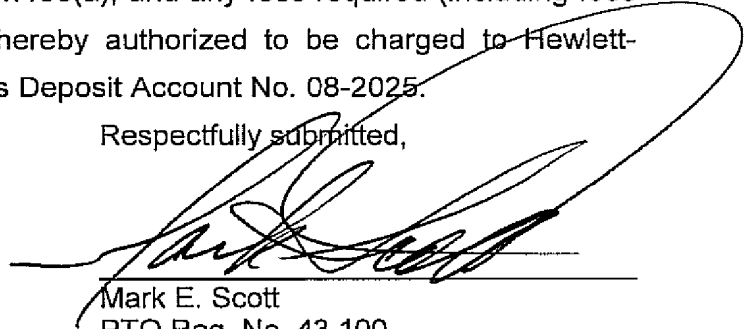
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a

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particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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